

(2025) 12 GUJ CK 0062

Gujarat High Court

Case No: R/Criminal Misc.Application (For Regular Bail - After Chargesheet) No. 21666 Of
2025

Dipakbhai Vishalbhai Ishwarbhai
Parmar (Valmiki)

APPELLANT

Vs

State Of Gujarat & Anr

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 483
- Bharatiya Nyaya Sanhita, 2023-Section 75(2), 78(2), 107
- Protection Of Children From Sexual Offences Act, 2012-Section 11(4), 12, 18

Hon'ble Judges: Nikhil S. Kariel, J

Bench: Single Bench

Advocate: Vivek V Bhamare, Mahitosh U Singh, Shekhawat, Jay Mehta

Final Decision: Allowed

Judgement

Nikhil S. Kariel, J

1. Heard learned advocate Mr.V.V. Bhamare appearing on behalf of the applicant and learned Additional Public Prosecutor Mr. Jay A. Mehta appearing on behalf of the respondent-State and learned advocate Mr.S.R. Rathore for learned advocate Mr.M.H. Shekhawat for the respondent No.2 - original Complainant.

2. Rule. Learned APP waives service of rule on behalf of the respondent-State.

3. The applicant has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for enlarging the applicant on Regular Bail in connection with FIR being C.R. No. 11217041250390 of 2025 registered with Saraswati Police Station, District : Patan, for the offence punishable under Sections 107, 75(2), 78(2) of BNS read with Section 11(4), 12 and 18 of the POCSO Act.

4. Learned advocate for the applicant would submit that considering the role attributed to the applicant, and nature of the allegation levelled, the applicant may be enlarged on regular bail. It is further submitted that since the charge-sheet is filed no useful purpose would be served by keeping the applicant in jail for indefinite period. It is further contended that the applicant is ready and willing to abide by all the conditions that may be imposed by this Court if released on bail.

5. As against the same, learned Additional Public Prosecutor appearing for the respondent - State has vehemently objected to the grant of regular bail. Learned APP has submitted that looking to the nature of offence and the role attributed to the present applicant as coming out from the charge-sheet, this Court may not exercise the discretion in favour of the applicant and the application may be dismissed.

6. Having regard to the fact that the applicant has prayed for grant of regular bail, learned Advocates appearing on behalf of the respective parties do not press for further reasoned order.

7. I have heard learned advocates appearing on behalf of the respective parties and perused the papers. Following aspects are considered:-

i. While the FIR suggests that the victim, had committed suicide on account of stocking/harassment by the present applicant, yet, having perused the suicide note of the victim, it does not appear that victim was under pressure on account of any harassment by the applicant;

ii. Rather it would appear that the suicide note points out towards the fact that the victim and complainant knew each other;

iii. The facts not being very clear, inasmuch as, there is no material whereby it could be alleged that the victim has committed the unfortunate act on account of being harassed by the present applicant;

iv. The fact of the applicant being a young person aged around 20 years having no antecedents;

This Court has taken into consideration the law laid down by the Hon'ble Apex Court in the case of Sanjay Chandra v. Central Bureau of Investigation reported in [2012] 1 SCC 40.

8. In the facts and circumstances of the case and considering the nature of the allegations made against in the First Information Report, without discussing the evidence in detail, prima facie, this Court is of the opinion that this is a fit case to exercise the discretion and enlarge the applicant on regular bail.

9. Hence, the present application is allowed. The applicant is ordered to be released on bail in connection with F.I.R. registered as C.R. No. 11217041250390 of 2025 registered with Saraswati Police Station, District : Patan, on executing a bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety of the like amount to the satisfaction of the trial Court and subject to the conditions that he shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Court concerned;

[e] furnish the present address of residence to the I.O. and also to the Court at the time of execution of the bond and shall not change the residence without prior intimation to the I.O.;

[f] mark presence before concerned police station once a month for a period of six months;

10. The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the above conditions is committed, the Sessions Court concerned will be free to take appropriate action in the matter.

11. Bail bond to be executed before the lower court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any of the above conditions in accordance with law.

12. At the stage of trial, the trial court shall not be influenced by any observations of this Court which are of preliminary nature made at this stage, only for the purpose of considering the application of the applicant for being released on regular bail.

13. The application is allowed in the aforesaid terms. Rule is made absolute to the aforesaid extent. Direct service is permitted.